

Application No. 09/990,899  
Amendment filed August 26, 2004  
Reply to Office Action of May 26, 2004

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AUG 26 2004

Attorney's Docket No.: 42390P12481

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:

Bryant E. Bigbee

U.S. Serial No: 09/990,899

Filed: November 16, 2001

For: APPARATUS AND METHOD TO  
IDENTIFY THE MAXIMUM  
OPERATING FREQUENCY OF A PROCESSOR

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Examiner: Perveen, Rehana

Art Unit: 2116

**AMENDMENT AND RESPONSE**

Dear Madam:

In response to the Office Action mailed May 26, 2004, please enter the following amendments and consider the following remarks. Amendments begin on page 2 of this paper. Remarks begin on page 8 of this paper.

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on:

Date of Transmission: August 26, 2004

Claire Wallters

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**FACSIMILE TRANSMITTAL SHEET**

**Deliver To:** Examiner Rehana Perveen

**Firm Name:** U.S. PATENT TRADEMARK OFFICE

**Fax Number:** 703-872-9306 **Telephone No.:** 703-305-3900

**From:** Richard W. Thill **Reg. No.:** 53,686

**Date:** August 26, 2004 **Time:** \_\_\_\_\_

**BSTZ Matter No.** 42390P12481 **Number of pages including cover sheet:** 24

**In Re Patent Application of:** Bryant E. Bigbee

**Application No.:** 09/990,899

**Filed:** November 16, 2001

**Title:** APPARATUS AND METHOD TO IDENTIFY THE MAXIMUM OPERATING FREQUENCY OF A PROCESSOR

**Enclosed are the following documents:**

<input checked="" type="checkbox"/> X Amendment/Response ( 17 pgs)	Declaration & P of A ( pgs)	Reply Brief ( pgs)
Appeal Brief ( pgs) (in triplicate)	Drawings: # of sheets w/ figs.	Small Entity Statement
Utility Application ( pgs)	Month Petition re Ext. of Time)	Resp. to Notice of Missing Parts ( pgs)
1.53(b) Cont. Application ( pgs)	IDS & PTO 1449 ( pgs)	X Transmittal Letter ( 1 pgs) (in duplicate)
1.53(b) Divisional Application ( pgs)	Issue Fee Transmittal ( pgs)	X Fee Transmittal ( 2 pgs) (in duplicate)
1.53(b) CIP Application ( pgs)	Notice of Appeal ( pgs)	Deposit Account Authorization
1.53(d) RCA Transmittal ( pgs)	Petition re ( pgs)	Other:
PCT Application ( pgs)	Power of Attorney ( pgs)	Other:
Provisional Application ( pgs)	Declaration by Inventor(s) ( pgs)	Other:
Assignment & Cover Sheet ( pgs)	Supplemental Declaration ( pgs)	Other:
X Certificate of Transmission by Fax	Preliminary Amendment ( pgs)	Other:

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**AMENDMENT TRANSMITTAL****PATENT**

Application No.: 09/990,899  
 Filing Date: November 16, 2001  
 First Named Inventor: Bryant E. Bigbee  
 Examiner's Name: Perveen, Rehana  
 Art Unit: 2116  
 Attorney Docket No.: 42390P12481

An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.

- ☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.  
☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.  
☐ Applicant(s) claim small entity status (37 CFR 1.27).

**ATTACHMENTS**

- ☐ Preliminary Amendment  
☒ Amendment/Response with respect to Office Action  
☐ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)  
☐ Notice of Appeal  
☐ RCE (Request for Continued Examination)  
☐ Supplemental Declaration  
☐ Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)  
☐ Information Disclosure Statement (IDS)  
☐ Copies of IDS citations  
☐ Petition for Extension of Time  
☒ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)  
☐ Cross-Reference to Related Application(s)  
☐ Certified Copy of Priority Document  
☐ Other: \_\_\_\_\_  
☐ Other: \_\_\_\_\_  
☐ Check(s)  
☒ Certificate of Transmission by Fax

**SUBMITTED BY:**

BLAKELY SOKOLOFF TAYLOR &amp; ZAFMAN LLP

TYPED OR PRINTED NAME: Richard W. Thill, Reg. No. 53,686

SIGNATURE: 

DATE: 8/26/04

ADDRESS: 12400 Wilshire Boulevard, Seventh Floor

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8/26/2004

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**FEE TRANSMITTAL FOR FY 2004**

(FY 2004 Begins 10/01/2003)

TOTAL AMOUNT OF PAYMENT (\$) 0

## Complete if Known:

Application No. 09/990.899  
 Filing Date November 16, 2001  
 First Named Inventor Bryant E. Bigbee  
 Examiner Name Perveen, Rehana  
 Art Unit 2116  
 Attorney Docket No. 42390P12481

☐ Applicant claims small entity status. See 37 CFR 1.27.

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☒ None

## Deposit Account

Deposit Account Number: 02-2666

Deposit Account Name: \_\_\_\_\_

☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:

☐ Charge fee(s) indicated below.

☒ Credit any overpayments.

☒ Charge any additional fees during the pendency of this application.

☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

☐ Charge fee(s) indicated below except for the filing fee.

## FEE CALCULATION

## 1. BASIC FILING FEE

## Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	7702001	385		Utility application filing fee	
1002	3402002	170		Design application filing fee	
1003	5302003	265		Plant filing fee	
1004	7702004	385		Reissue filing fee	
1005	1602005	80		Provisional application filing fee	

SUBTOTAL (1) \$ 0

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims	<u>30</u>	- 30** = <u>0</u>	<input checked="" type="checkbox"/>	
Independent Claims	<u>6</u>	- 6** = <u>0</u>	<input checked="" type="checkbox"/>	
Multiple Dependent				

\*\*Or number previously paid, if greater; For Reissues, see below.

## Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	182202	9		Claims in excess of 20
1201	862201	43		Independent claims in excess of 3
1203	2902203	145		Multiple dependent claim, if not paid
1204	862204	43		**Reissue independent claims over original patent
1205	182205	9		**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 0

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fee Paid</u>
<u>Fee</u>	<u>Fee Fee</u>	<u>Fee</u>	<u>Code</u>		
<u>Code</u>	<u>(\$)</u>	<u>Code</u>	<u>(\$)</u>		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1813	8,800	1813	8,800	Request for inter parties reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814	110	2814	55	Statutory Disclaimer	
1810	770	2810	385	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	1505	300	Publication fee for republication	
1803	130	1803	130	Request for voluntary publication or republication	
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454	1,330	1454	1,330	Acceptance of unintentionally delayed claim for priority	

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (3) \$ 0**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name: Richard W. ThillSignature: [Signature]Date: 8/26/04Reg. Number: 53,686Telephone Number: (408) 720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

- 2 -

Based on Form PTO/SB/17 (08-03) as modified by BLAKELY, SOKOLOFF, TAYLOR &amp; ZAFMAN LLP on 09/30/03.